

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

In the Matter of the:

Petition of the City of Reedsburg for the Establishment of a Public Crossing of the Wisconsin & Southern Railroad Co. Tracks with Railroad Street in the City of Reedsburg, Sauk County

9170-RX-210

FINAL DECISION

By letter dated February 27, 2006, the City of Reedsburg petitioned the Office of the Commissioner of Railroads (OCR) for the establishment of a public crossing of Railroad Street with the Wisconsin & Southern Railroad Co. (WSOR) tracks located in the City of Reedsburg, Sauk County. Jurisdiction: Secs. 195.28 and 195.29, Stats.

Pursuant to due notice, public hearing was held in this matter on April 7, 2006 in Reedsburg, Wisconsin with hearing examiner Douglas S. Wood presiding. The parties agreed that a proposed decision is not needed. The matter is uncontested.

Appearances:

Parties

City of Reedsburg, Petitioner
by
Steven T. Zibell
City Engineer
134 S. Locust Street
Reedsburg, WI 53959

In Support:

Loeb/Lorman Recycling
by
Neal S. Loeb
1111 S. 10th Street
Watertown, WI 53094

As Interest May Appear:

Wisconsin & Southern Railroad Company
by
David Bierman, Project Inspector
1890 E Johnson Street
Madison, WI 53704

Findings of Fact

THE COMMISSIONER FINDS:

The City of Reedsburg and Loeb/Lorman Recycling propose to establish a public crossing of Railroad Street by constructing a new spur track extending from the Wisconsin & Southern Railroad Co. (WSOR) tracks across Railroad Street. The new spur track will be constructed across Railroad Street to serve a new development by Loeb/Lorman Recycling, Inc. Scrap metal would be hauled by rail to Loeb/Lorman Recycling where it would be prepared and then moved by truck to the foundry next door on an internal private road.

The City is also planning to reconstruct Railroad Street from a rural cross-section to a 40'-wide (back-to-back) urban section. Railroad Street and the tracks will intersect tracks at an angle of about 30°. The crossing will consist of one spur track.

Railroad Street carried an estimated 500 ADT (average daily traffic). The speed limit is 25 mph.

The WSOR will serve the plant 3 times per week over the proposed crossing location at a speed of 5-10 mph. The railroad will have a crew member on the ground during all moves over the railroad.

The exposure factor at this crossing will be about 500 on average. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

Crossbucks with yield signs and advance warning signs will adequately protect public safety given the low train speed and presence of a flagger.

In summary, the establishment of the crossing at-grade of the spur tracks with Railroad Street will promote public safety and convenience by reducing the number of trucks operating on public roadways and by providing rail access to Loeb/Lorman and the foundry.

Source of funding: The City and Loeb/Lorman Recycling will pay all of the costs for the construction of the track and crossing in accordance with the developer's agreement. The order requires the City to install the track. It is understood that Loeb/Lorman is contracting with a qualified railroad contractor to perform the work on behalf of the city.

Ultimate Conclusions on the Issues

THE COMMISSIONER CONCLUDES:

1. That the establishment of the crossing at-grade of Railroad Street with the spur track operated by the Wisconsin & Southern Railroad Co. in accordance with the design plans of the City of Reedsburg in the City of Reedsburg Sauk County will promote public safety and convenience.
2. That establishment of the crossing is advisable under all the circumstances.
3. That in order to adequately protect and promote public safety, it is necessary to install and maintain reflective crossbucks.
4. That it is reasonable that the Wisconsin & Southern Railroad Co. bear no part of the cost for the crossing construction.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §§195.28 and 195.29, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **City of Reedsburg** shall install and maintain a crossing at-grade of Railroad Street with the tracks in accordance with the design plans of the City of Reedsburg and Loeb/Lorman Recycling in the City of Reedsburg, Sauk County by **June 1, 2006**.
2. That the **Wisconsin & Southern Railroad Co.** shall install and maintain retroreflective back-to-back crossbucks with 2" wide reflective vertical strips on the front and back of the support posts on each approach to the crossing of its tracks with Railroad Street at-grade in the City of Reedsburg, Sauk County by **June 1, 2006**.
3. That the **Wisconsin & Southern Railroad Co.** shall install and maintain yield signs on the crossbucks posts on each approach to the Railroad Street crossing by **June 1, 2006**.
4. That the **City of Reedsburg** shall install and maintain advance warning signs (sign W10-1) at a distance from the crossing in accordance with the Manual on Uniform

Traffic Control Devices (MUTCD) on each approach by **June 1, 2006**.

5. That the **Wisconsin & Southern Railroad Co.** shall bear no part of the cost of the crossing construction, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

6. That jurisdiction is retained.

Dated at Madison, Wisconsin, (April 20, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads

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